

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 16, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KENNETH A.,

Plaintiff,

-vs-

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 4:22-CV-5114-WFN

ORDER GRANTING
STIPULATED REMAND

Pending before the Court is the parties' Stipulated Motion for Remand. ECF No. 15. The Court has reviewed the file and Motion and is fully informed. Accordingly,

IT IS ORDERED that:

1. The parties' Stipulated Motion for Remand, filed March 15, 2023, **ECF No. 15**, is **GRANTED**.

2. Based on the parties' stipulation, the above-captioned case is **REVERSED** and **REMANDED** for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Upon remand, the Appeals Council shall instruct the administrative law judge to:

(a) Reevaluate the medical opinion evidence and Plaintiff's subjective complaints including his need to alternate between sitting and standing throughout the workday;

(b) Reassess Plaintiff's residual functional capacity including whether Plaintiff requires a cane during the workday;

(c) Consider all pertinent issues *de novo*;

(d) Take any action necessary to complete the administrative record;

(e) Offer the claimant an opportunity for a hearing; and

1 (f) Issue a new decision.

2 3. All other pending motions are **DENIED AS MOOT**.

3 4. Judgment shall be entered for **Plaintiff**.

4 5. Upon proper request, Plaintiff will be entitled to costs under 28 U.S.C. § 2412(a)
5 and reasonable attorney fees and expenses under 28 U.S.C. § 2412(d).

6 The District Court Executive is directed to file this Order, enter judgment in favor of
7 the Plaintiff, provide copies of this Order and the Judgment to counsel and **CLOSE THIS**
8 **FILE**.

9 **DATED** this 16th day of March, 2023.

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12 WM. FREMMING NIELSEN
13 SENIOR UNITED STATES DISTRICT JUDGE

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